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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,908	07/03/2001	Johannes W.F. Majoor	ISAA0030	9572

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04/22/2004

Glenn Patent Group
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EXAMINER

HIRL, JOSEPH P

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/898,908

Applicant(s)

MAJOOR, JOHANNES W.F.

Examiner

Joseph P. Hirl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to an AMENDMENT entered February 9, 2004 for the patent application 09/898,908 filed on July 3, 2001.

2. The First Office Action of November 5, 2003 is fully incorporated into this Final Office Action by reference.

3. The claims and only the claims form the metes and bounds of the invention.

"Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

4. Examiner's Opinion:

Para 3 above applies. The claims and only the claims form the metes and bounds of the invention. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Status of Claims

5. Claims 1 and 8 are amended. Claims 1-14 are pending.

Response to Arguments

6. The rejection of claims 1, 2, 5, 8, 9, and 12 under 35 U.S.C. 112, second paragraph is withdrawn.
7. Applicant's arguments filed on February 4, 2004 related to Claims 1-14 have been fully considered but are not persuasive.

In reference to Applicant's argument:

In stark contrast, the claimed invention provides for removing overhead traditionally associated with managing rules within a rulebase which become effective at different points in time. Specifically, the invention provides for rules to be stored within a single rulebase with rules that become effective at different points in time. That is, the claimed invention provides a simplified version control of rules. Further, the invention provides for outdated rules that are no longer effective to co-exist in the same rulebase as the current versions of the same rules. (See page 9, [0022]).

Examiner's response:

Para 3 above applies. The claims and only the claims form the metes and bounds of the invention.

In reference to Applicant's argument:

Further, the claimed invention provides the; rule server processing a transaction request with a set of effective rules, wherein if such set of effective rules changes before a transaction is complete, then the most recent set of effective rules is used by the rule server. (See bottom page 8 to top page 8, [0021].)

Examiner's response:

Para 3 above applies. The claims and only the claims form the metes and bounds of the invention.

In reference to Applicant's argument:

Applicant has amended independent Claims 1 and 8 to further distinguish the claimed invention from the prior art of record in view of the discussion hereinabove.

Examiner's response:

Para 3 above applies. Fehskens et al at c 41, l 10-60 sets forth a rule maintenance module which develops a plurality of temporal rules to establish conditional utilization. The alarm rule base contains rules which identify each alarm condition. If the condition portion of a rule evaluates to a logical TRUE, an alarm condition exists. Such activity relates a rule change with predetermined rules to be used to implement the alarm.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

9. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

10. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Fehskens et al, referred to as USP 6,438,591).

Claims 1, 8

Fehskens anticipates operating a rules server, wherein said rules server comprises a rulebase, wherein said rulebase comprises one or more rules (**Fehskens**, c 7, l 6-23; Fig. 1B; Fig. 10A; c41, l 14; Examiner's Note (EN): servers are computers); associating at least one rule of said one or more rules with a start time and an end time (**Fehskens**, Fig. 10B; c 41, l 54-59); receiving a transaction request for a transaction (**Fehskens**, c 41, l 4); determining a transaction time for said transaction request (**Fehskens**, c 41, l 54-59); and determining a set of one or more effective for said transaction request, from said at least one rule of said one more rules associated with said start time and start end time, wherein said transaction time for said transaction request is after said start time associated with each of said set of one or more effective rules, and said transaction time for said transaction request is before said end time associated with each of said one or more effective rules (**Fehskens**, c 41, l 54-59; EN: a time function axiomatically has a start and end time); wherein said rulebase is

configured to comprise one or more versions of a rule (**Fehskens**, c 41, l 13-14); and wherein if said one or more effective rules changes before said transaction is complete, then a most recent set of effective rules is used by said rule server (**Fehskens**, c 41, l 39-53; EN: rules have expression portions which can evaluate to a logical false condition under typical conditions; however, under other conditions, such expression may evaluate to a logical true where an alarm condition exists and a predefined or recent rule becomes active).

Claims 2, 9

Fehskens anticipates processing said transaction request with said set of one or more effective rules (**Fehskens**, c 41, l 54-59).

Claims 3, 10

Fehskens anticipates determining a transaction time for said transaction request is performed once each time said transaction request is received (**Fehskens**, c 41, l 26-37).

Claims 4, 11

Fehskens anticipates determining a transaction time for said transaction request is performed repeatedly after a specified length of time (**Fehskens**, c 41, l 26-37; EN: digital signals are time series and it would follow that a determination of transaction time would be repeated at each delta spacing between signals of the time series).

Claims 5, 12

Fehskens anticipates rulebase contains one or more rules that are not in

said set of one or more effective rules (**Fehskens**, c 41, l 11-25; EN: for a given transaction alarm, other situations that were not active would not initiate request and the associated rules would not be in the subject set).

Claims 6, 13

Fehskens anticipates start time and said end time is specified by an administrator through a graphical user interface (**Fehskens**, c 41, l 60-62; EN: to one of ordinary skill in the arts, GUI interfaces are appropriate to standard I/O).

Claims 7, 14

Fehskens anticipates transaction time is determined by an administrator (**Fehskens**, c 42, l 2-3).

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Claims 1-14 are rejected.

Correspondence Information

Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner, Joseph P. Hirl, whose telephone number is (703) 305-1668. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anthony Knight can be reached at (703) 308-3179.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

or faxed to:

(703) 746-7239 (for formal communications intended for entry);

or faxed to:

(703) 746-7290 (for informal or draft communications with notation of

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"Proposed" or "Draft" for the desk of the Examiner).

Hand-delivered responses should be brought to:

Receptionist, Crystal Park II
2121 Crystal Drive,
Arlington, Virginia.


Anthony Knight
Supervisory Patent Examiner
Group 3600


Joseph P. Hirl

April 15, 2004